

**UNITED STATES DISTRICT COURT
SOUTHERN OHIO DISTRICT
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CASE NO.: 2:14-CR-21
JUDGE GEORGE C. SMITH**

ALLEN J. PENDERGRASS,

Defendant.

ORDER

This matter is before the Court on Defendant's *Pro Se* Motion for release to a Residential Reentry Center or Halfway House to allow for a successful transition back into the community and family life. (*See* Doc. 44). The Government has not responded. This matter is ripe for review.

Defendant is seeking a ruling from this Court that he be designated to a residential reentry center to served the remaining nine months of his federal sentence. However, Congress has delegated to the Bureau of Prisons the duty to manage and regulate all federal and correctional institutions. *See* 18 U.S.C. § 4042(a)(1). Further, 18 U.S.C. § 3621 specifically governs imprisonment of a convicted person, including where a person is placed to serve the term of imprisonment. Further, 18 U.S.C. § 3624(c)(1) provides that "[t]he Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility."

Defendant's current release date from the Bureau of Prisons is August 12, 2017. The Bureau

of Prisons may release him to a residential reentry facility, but there is no requirement that they do so. Further, any authority to be released to such a facility lies solely with the Bureau of Prisons. This Court does not have any jurisdiction on the Bureau of Prisons' management of convicted persons in their custody.

Based on the foregoing, Defendant's Motion is hereby **DENIED** because this Court is without jurisdiction to order any such relief requested. The Bureau of Prisons is responsible for where Defendant serves the term of imprisonment ordered by this Court.

IT IS SO ORDERED.

/s/ *George C. Smith*
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT